

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
Northern Division

DR. JOE L. REED,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 2:07-cv-190-WKW
)	
GOVERNOR BOB RILEY, in his official)	
capacity, and ELTON DEAN, in his official)	
capacity as Chair of the Board of Trustees)	
of Alabama State University,)	
)	
Defendants.)	

MOTION FOR LEAVE TO FILE FIRST AMENDED COMPLAINT

Plaintiff Dr. Joe L. Reed respectfully moves, pursuant to this Court's directive in its June 6, 2007, Order, for leave to file the attached First Amended Complaint. Because Defendants have not answered, Plaintiff Reed is entitled to file this First Amended Complaint as a matter of course. *See* Fed. R. Civ. P. 15(a). But in any event, if leave were required, there is no basis upon which leave could or should be denied. *See, e.g., Hall v. United Ins. Co. of America*, 367 F.2d 1255, 1262 (11th Cir. 2004) (leave to amend should be freely given). ¹

¹ This amended complaint, and this motion, were prepared in compliance with the Court's directive that the case style be changed to reflect Dr. Reed as the only plaintiff. However, since no Rule 54(b) certification was entered as to the other plaintiffs, no final judgment has in fact been entered against them at this point. So, insofar as the other plaintiffs might ever wish to appeal the Court's order dismissing rather than remanding their claims, the time for such an appeal has not begun to run.

Respectfully submitted,

ATTORNEYS FOR PLAINTIFFS

s/J. Cecil Gardner

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CERTIFICATE OF SERVICE

I hereby certify that on this 13th day of June, 2007, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following: **Scott Lee Rouse, Esq. , Kenneth Lamar Thomas, Esq., Kenneth Dallan Wallis, II. Esq. Christopher Kyle Whitehead, Esq.**

s/J. Cecil Gardner